

1 **4**
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9 UNITED STATES BANKRUPTCY COURT
10 EASTERN DISTRICT OF CALIFORNIA
11 FRESNO DIVISION

12 In the Matter of) Case No. 10-13905-A-7
13)
14 ROXANNE HARVEY,) Chapter 7
15) DC No. UST-1
16 Debtor.) Date: August 13, 2010
17) Time: 9:00 a.m.
18) Place U.S. Bankruptcy Court
19) Dept. A, Courtroom 11
20) 2500 Tulare Street
21) Fresno, CA
22 Judge: Whiteny Rimel

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20 **DECLARATION OF ROXANNE HARVEY IN SUPPORT OF THE UNITED STATES
21 TRUSTEE'S MOTION FOR REVIEW OF FEES PURSUANT TO 11 U.S.C. § 329**

22 I, Roxanne Harvey, do declare as follows:

23 1. My name is Roxanne Harvey. I am the named Debtor in the
24 above-captioned case, and am a resident of Fresno County,
25 California. I am married to Etienne Harvey. I am over eighteen
26 (18) years of age, of sound mind and fully competent to make this
27 declaration. I have personal knowledge of the facts contained in
28 this declaration, and they are all true and correct.

2. I have never met George Holland, Jr., or any member of

1 his firm.

2 3. Among my assets is my residence 2715 N. Marty Avenue in
3 Fresno, California. I am current on my mortgage payments. There
4 is not now and never has been a foreclosure sale set on my
5 residence.

6 4. The above chapter 7 bankruptcy case was filed April 13,
7 2010. Only the petition had been filed. I was not provided with
8 an opportunity to review the final drafts of the petition and
9 schedules before they were filed. Although the petition and
10 schedules show my signature with an "/s/", I did not sign the
11 petition or schedules. I did not know the case had been filed
12 until I had received notice from the court of the meeting of
13 creditors. The first time I saw these schedules was when I first
14 met with Attorney Trudi G. Manfredo on May 24, 2010, when she
15 downloaded the documents for me.

16 5. I am informed and believe that my husband met with an
17 individual of the George Holland, Jr. Law Firm ("Law Firm"). This
18 individual was named Ms. Henri Norris. I am informed and believe
19 that on that date he was asked to provide and did provide payment
20 of \$1,000 up front, and two post-dated checks in the amount of
21 \$400 and \$399.

22 6. I provided information about my assets and creditors to
23 the Law Firm on March 23, 2010.

24 7. My wages were garnished by the Franchise Tax Board for
25 the months of February and March. The amount owed was
26 approximately \$3,500-\$4,000. I am informed and believe that my
27 husband contacted the Franchise Tax Board and requested that they
28 stop garnishing my wages and that they garnish his wages instead.

1 That is why the garnishment of my wages was only in effect for two
2 months. Because my husband's wages were then garnished by the
3 Franchise Tax Board, this garnishment was unaffected by the
4 bankruptcy, nor did we expect that it would be stopped by the
5 bankruptcy.

6 8. The first meeting of creditors was scheduled for May 14,
7 2010.

8 9. I am informed and believe that on May 12, 2010, my
9 husband was contacted by Christian Cooper of the Law Firm and told
10 to send pay stubs and tax records to the trustee via facsimile.

11 10. At the meeting of creditors, no one from the Law Firm
12 appeared; rather, an attorney I had never met appeared on my
13 behalf. That attorney advised me that he was unfamiliar with my
14 case.

15 11. At this meeting the Trustee said my case should be
16 dismissed because the rest of the papers had not been timely filed
17 in my case. She continued our meeting to June 4, 2010, she said
18 to give the attorney a chance to salvage the case.

19 12. On May 24, 2010, I met with Attorney Trudi G. Manfredo.
20 She reviewed the case and the facts surrounding our income, assets
21 and debts and advised that the case should be dismissed. Attorney
22 Manfredo in my presence emailed and spoke with the Trustee by
23 telephone regarding the issues in my case. Since it was in my
24 interest to have the case dismissed, I did not appear at the
25 continued meeting of creditors. My attorney from the Law Firm did
26 not appear either, but he had not been notified that I was not
27 going to appear.

28 13. The Court subsequently issued an order to show cause

1 regarding dismissal of my case which was set for hearing on July
2 7, 2010. I appeared at this hearing, but no one from the Law Firm
3 appeared. Trudi G. Manfredo appeared on my behalf for that
4 hearing.

5 I declare under penalty of perjury under the laws of the
6 United States of America that the foregoing is true and correct to
7 the best of my knowledge.

8 Dated: 7-15-2010

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Roxanne Harvey, Debtor

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